

2 of 6

PAGE 01 BUENOS 06216 01 OF 02 231543Z
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FOR ASST SECRETARY TODMAN

E.O. 11652: GDS
TAGS: OTRA, SHUM, PINT, PGOV (TODMAN, TERENCE A.), AR
SUBJECT: REPORTING TODMAN VISIT: HUMAN RIGHTS AND
RELATED ASPECTS

REF: BUENOS AIRES 6127

PLEASE AMEND OR APPROVE FOLLOWING TREATMENT
OF HUMAN RIGHTS ASPECTS OF YOUR VISIT AND
RELATED CONCERNS:

1. SUMMARY. DURING HIS AUGUST 13-16 VISIT IN BUENOS AIRES MR. TODMAN HELD SEVERAL MEETINGS TOUCHING UPON HUMAN RIGHTS IN ARGENTINA, AND RAISED SEVERAL SPECIFIC CASES WITH ARGENTINE AUTHORITIES OF PERSONS WHOSE TREATMENT IS OF SPECIAL INTEREST TO THE U.S. GEORGE LISTER, WHO ACCOMPANIED THE ASSISTANT SECRETARY, HAD EXTENDED MEETINGS ON THIS SUBJECT WITH HUMAN RIGHTS ORGANIZATIONS AND FAMILIES OF PERSONS JAILED OR DISAPPEARED. IN ADDITION TO

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PAGE 02 BUENOS 06216 01 OF 02 231543Z

REVIEWING SCORES OF LETTERS FROM PETITIONERS WHO ASKED THAT TODMAN BECOME INVOLVED IN OTHER SPECIFIC CASES. HE ALSO MET WITH THE US REPRESENTATIVE TO THE JEHOVAH'S WITNESSES HERE, AND WITH TWO PERSONS KNOWLEDGEABLE OF

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2 of 6

~~CONFIDENTIAL~~

3 of 6

THE JEWISH COMMUNITY. A SEPARATE TELEGRAM DESCRIBES CONVERSATIONS AT THE MINISTRY OF FOREIGN AFFAIRS, INCLUDING THOSE ON HUMAN RIGHTS. END SUMMARY.

2. SUPREME COURT - AT NOON AUGUST 15, AMBASSADOR TODMAN CALLED ON CHIEF JUSTICE HORACIO HEREDIA AT THE SUPREME COURT. CHIEF JUSTICE HEREDIA DURING THE MEETING WAS JOINED BY ASSOCIATE JUSTICES PEDRO JOSE FRIAS, ADOLFO R. GABRIELI AND ABELARDO F. ROSSI. TODMAN EMPHASIZED THE IMPORTANCE OF THE RULE OF LAW IN OFFERING SHELTER TO A PEOPLE ASKING FOR JUSTICE. JUSTICE HEREDIA WITH GREAT FEELING AGREED--WHILE AT THE SAME TIME DESCRIBING A SITUATION IN ARGENTINA IN WHICH THE ADMINISTRATION OF JUSTICE CLEARLY GIVES WAY TO EXIGENCIES OF THE COUNTRY'S SECURITY SITUATION. AS THE CHIEF JUSTICE APPLAUDED THE INTEGRITY AND INDEPENDENCE OF THE COURT'S SYSTEM, HE ALSO EXPLAINED HOW EXECUTIVE POWER--THE "PODER EJECUTIVO NACIONAL"--HAD VIRTUALLY UNLIMITED POWER TO ACT UPON ITS OWN IN ROUTING OUT THOSE "ATTACKING ARGENTINA'S BASIC SYSTEM OF LIFE AND GOVERNMENT." IN ANSWER TO A QUESTION OF MR. TODMAN ON MEANS BY WHICH THE POWER OF THE EXECUTIVE COULD BE LIMITED IF NECESSARY, JUSTICE HEREDIA SPOKE OF THE NEED FOR THE EXECUTIVE POWER ITSELF TO ACT UPON A PREMISE OF "REASONABLENESS." JUSTICE FRIAS ADDED THAT THE SUPREME COURT FOUR MONTHS AGO HAD ASSERTED ITSELF IN THIS AREA BY APPEALING TO THE EXECUTIVE POWER TO ASSIST THE COURTS IN REQUIRING POLICE AND SECURITY AUTHORITIES TO GIVE ATTENTION TO WRITS OF HABEAS CORPUS. (COMMENT:

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PAGE 03 BUENOS 06216 01 OF 02 231543Z

THE COURT JUST PRIOR TO THE TODMAN VISIT HAD ISSUED A SECOND JUDGMENT REQUIRING THE EXECUTIVE TO DEMONSTRATE THE "REASONABLENESS" OF THE INCARCERATION WITHOUT CHARGES FOR OVER TWO YEARS OF A MR. ZAMORANO UNDER THE SPECIAL "STATE OF SIEGE" RULES.)

3. JEHOVAH'S WITNESSES - US REPRESENTATIVE IN ARGENTINE OF THE JEHOVAH'S WITNESSES COMMUNITY CHARLES R. EISENHOWER DESCRIBED DURING A HALF HOUR MEETING WITH MR. TODMAN THE ALARMING LEGAL SITUATION IN WHICH HE AND THE COMMUNITY OF WITNESSES FIND THEMSELVES. AS REPORTED EARLIER (BUENOS AIRES 5028) THE GOVERNMENT HAS APPEALED TO THE SUPREME COURT AN APPELLATE COURT DECISION TO SET ASIDE A GOVERNMENT DECREE PUTTING SEVERE LIMITATIONS UPON THE ACTIVITIES OF THE JEHOVAH'S WITNESSES TO PREACH

~~CONFIDENTIAL~~

3 of 6

~~CONFIDENTIAL~~

4 of 6

AND ASSEMBLE. MR. EISENHOWER SPOKE OF THE WILLINGNESS OF SECT MEMBERS TO BEAR THE DISAPPROVAL OF AUTHORITIES FOR REFUSING TO DO MILITARY SERVICE, SALUTE THE ARGENTINE FLAG, SING THE NATIONAL ANTHEM AND GENERALLY TO DISPLAY RESPECT FOR THE SYMBOLS OF STATE AUTHORITY. WHAT HE HAD HOPED THE APPEAL COURT'S DECISION WOULD ACCOMPLISH WAS TO REMOVE ARGENTINA'S JEHOVAH'S WITNESSES FROM THE BLANKET ORGANIZATIONAL DISAPPROVAL OF THE ORIGINAL DECREE ENTAILED. MR. EISENHOWER IS HIMSELF UNDER CONSIDERABLE PERSONAL STRESS IN THAT CHARGES HAVE BEEN BROUGHT AGAINST HIM FOR HAVING PERSONALLY ORGANIZED AND ABETTED ACTS WHICH THE ARGENTINE SUPREME COURT, WHICH MUST NOW DECIDE THE CASE, MAY ULTIMATELY AGREE ARE "SUBVERSIVE". DURING THE CALL AT THE SUPREME COURT MR. TODMAN ALLUDED TO THE FLIGHT OF THE JEHOVAH'S WITHOUT OF COURSE RAISING FORMALLY A MATTER UNDER ADJUDICATION. SUPREME COURT MEMBERS AFFIRMED THAT WHILE THE GOVERNMENT'S APPEAL IS BEING CONSIDERED THE JEHOVAH'S WITNESSES COMMUNITY MUST ENDURE THEIR BEING OFFICIALLY BANNED UNDER THE ORIGINAL "PODER EJECUTIVO NACIONAL" RULING. (BUENOS AIRES 4870 OF JUNE 30, 1977 GIVES

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PAGE 04 BUENOS 06216 01 OF 02 231543Z

FURTHER DETAILS ON THE LEGAL CASE AGAINST THE WITNESSES.)

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PAGE 01 BUENOS 06216 02 OF 02 231548Z
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4 of 6

~~CONFIDENTIAL~~

5 of 6

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FOR ASST SECRETARY TODMAN

4. JEWISH COMMUNITY - MR. TODMAN MET ALSO FOR HALF HOUR WITH RABBI MARSHALL MEYER, A US CITIZEN WHO HAS LIVED AND TAUGHT IN ARGENTINE 15 YEARS AS A PART OF THE JEWISH COMMUNITY HERE, AND WITH DAVID GELLER, CURRENTLY IN BUENOS AIRES TO SHUT DOWN (AT LEAST TEMPORARILY) THE OFFICE HERE OF THE AMERICAN JEWISH COMMUNITY (SEE STATE 175995). BOTH LEADERS SPOKE OF THE GREAT FEAR HERE THAT EXISTS AMONG THE JEWISH COMMUNITY, NOT BECAUSE THEY FEEL THAT ANTI-SEMITISM IS A POLICY OF THE ARGENTINE GOVERNMENT, BUT RATHER BECAUSE THEY SENSE THAT IN THIS CURRENT PERIOD OF WIDESPREAD LAWLESSNESS THE POSSIBILITY EXISTS OF ISOLATED ACTS AGAINST JEWS. MEMBERS OF THE JEWISH COMMUNITY DO NOT FEEL THEMSELVES ESPECIALLY SELECTED AS TARGETS IN COUNTER-SUBVERSION EFFORTS, BUT THEY DO BELIEVE THAT, ONCE ARRESTED, JEWS ARE GIVEN MUCH MORE BRUTAL TREATMENT.

5. GEORGE LISTER'S MEETINGS - MR. LISTER AND MR. FEINBERG MET WITH THREE REPRESENTATIVES OF THE PERMANENT ASSEMBLY ON HUMAN RIGHTS ON AUGUST 15. THE CONVERSATION WAS A TOUR DE HORIZON OF THE POLITICAL AND PSYCHOLOGICAL BASIS FOR THE STRONG COUNTER TERRORIST

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PAGE 02 BUENOS 06216 02 OF 02 231548Z

ACTIONS OF THE GOVERNMENT, THE APPARENT OR POSSIBLE CHANGE FROM COUNTER-TERRORISM TO COUNTER-SUBVERSION USING THE SAME PROCEDURES, AND THE ATTENDANT ADVERSE LEGAL AND HUMAN RIGHT CONSEQUENCES. THE NEXT MEETING WAS TO HEAR OF THE DISAPPEARANCES OF THE CHILDREN OF THREE MOTHERS OF THE "WOMEN OF THE PLAZA DE MAYO"-- A SPONTANEOUS GROUP OF SOME 100 WOMEN WHO STAND FOR A HALF HOUR EACH THURSDAY AFTERNOON IN FRONT OF THE CASA ROSADA AS A SILENT REMINDER OF THEIR "DISAPPEARED CHILDREN". (COMMENT: DURING MR. TODMAN'S CALL ON PRESIDENT VIDELA, THIS GROUP STAGED A SILENT VIGIL WHICH BROKE INTO SOME PUSHING AND SHOVING WITH POLICE AS THE WOMEN RESCUED A NBC RADIO REPORTER WHO WAS INTERVIEWING THEM FROM ARREST BY LOCAL POLICE AND COVERED THE REPORTER'S HASTY ESCAPE.) MR. LISTER MET ALSO WITH OFFICIALS FROM THE ARGENTINE BISHOPS CONFERENCE TO DISCUSS THE BISHOPS' STATEMENT ON HUMAN RIGHTS AND THE

~~CONFIDENTIAL~~

5 of 6

~~CONFIDENTIAL~~

6 of 6

CURRENT EFFORTS IN THIS AREA. THE ADMINISTRATION'S HUMAN RIGHTS POLICY WAS APPLAUDED BY ALL THE INDIVIDUALS SEEN. THEY CONSIDER IT AN IMPORTANT AND POSITIVE FORCE IN ARGENTINA. HOWEVER, SEVERAL OF THOSE INTERVIEWED EXPRESSED THEIR CONCERN THAT AS THE PROBLEM WAS AN ARGENTINE ONE, TOO STRONG A PUSH BY THE US MIGHT BE COUNTER-PRODUCTIVE IN RAISING NATIONALISTIC ANTAGONISMS AGAINST THE US.
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6 of 6

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1 of 6

Document Information	
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1 of 6